

Appl. No. 09/870,965
Amdt. dated September 21, 2004
Reply to Office action of July 12, 2004

REMARKS/ARGUMENTS

Applicants have received the Office action dated July 12, 2004, in which the Examiner: 1) issued a double patenting rejection of claims 1-24 over copending application Serial No. 09/932,541; 2) objected to claims 4, 5, 7, 19 and 20; 3) rejected claims 1 and 3-6 under 35 U.S.C. § 102(e) as anticipated by Dien (U.S. Patent No. 6,112,320); and 4) indicated claim 2 would be allowed if rewritten in independent form. In this response, Applicants amend claims 1, 4, 5, 7, and 19 and submit a Terminal Disclaimer concurrently herewith. In light of the Terminal Disclaimer and the amendments and arguments contained herein, Applicants believe all claims to be in condition for allowance.

I. DOUBLE PATENTING REJECTION

The Examiner's double patenting rejection has been addressed by way of a concurrently filed Terminal Disclaimer. Other than the double patenting rejection and a few claim objections (noted below), claims 2 and 7-24 should now be in condition for allowance.

II. CLAIM OBJECTIONS

The Examiner objected to claims 4 and 5 for referring to a "restart service" whereas claim 1 referred to a "reset service." Applicants have replaced the word "restart" with "reset" in claims 4 and 5 to ensure proper antecedent basis. At the Examiner's request, the acronym "IOCTL" has been spelled out in claim 7 as "input/output control call." The Examiner also observed an antecedent basis problem with the limitation the watchdog "timer" in claim 19. This limitation has been replaced by a watchdog "driver." Applicants believe all of the Examiner's rejections to claims 4, 5, 7, 19 and 20 have been fully addressed.

III. CLAIM REJECTIONS

The Examiner rejected claims 1 and 3-6¹ as anticipated by Dien. Applicants amend claim 1 to specify that "the watchdog driver observes at least

¹ Because claim 6 depends from claim 2, and the Examiner specifically indicated that claim 2 would be allowed if rewritten in independent form upon filing a Terminal Disclaimer, Applicants assume that the Office action is in error and that the Examiner meant to also indicate that claim 6 would be allowed if rewritten in independent form.

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one application for a periodic message from and initiated by the application." Applicants do not find a teaching or suggestion of this limitation in Dien. Instead, Dien discloses in Figure 1 a peripheral controller 2 in which a watchdog program runs and a CPU 1 on which an interrupt service routine runs. The watchdog program initiates an interrupt 6 to the CPU through the interrupt controller 3. In response to the interrupt, the CPU's interrupt service routine provides "check data" back to the watchdog program running in the peripheral controller 2. As such, in Dien the watchdog program and the peripheral controller 2 periodically interrupt the CPU and the CPU responds by providing a message back to the watchdog program by which the watchdog program can determine if the CPU is still active. The Examiner has analogized Dien's watchdog program running in the peripheral controller 2 to the claimed "watchdog driver" in claim 1. That being the case, then Dien's interrupt service routine running in CPU 1 would have to be analogous to the claimed "application." As amended, however, claim 1 requires that the application initiates providing the periodic message to the watchdog driver. Dien's interrupt service routine only reacts to an interrupt initiated by the watchdog program and thus does not initiate a periodic message. At least for this reason, Applicants believe claim 1 and all claims that depend on or from claim 1 are allowable over Dien.

Because Applicants believe claim 1 to be in condition for allowance, at this time Applicants opt not to rewrite claim 2 in independent form.

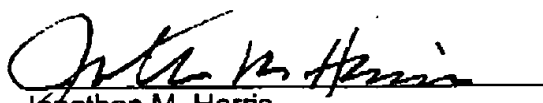
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently

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omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,


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